

**Notice of Allowability**

Application No.

10/662,146

Examiner

Monique R. Jackson

Applicant(s)

PRADEL ET AL.

Art Unit

1773

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 12/22/05.
2. ☒ The allowed claim(s) is/are 1-9.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☒ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Art Unit: 1773

1. The following is an examiner's statement of reasons for allowance: the closest prior art Robert et al (USPN 6,528,587) teach a coextrusion binder composition comprising 5 to 35 parts of a polymer blend (A) which consists of a blend of 80 to 20 parts of a metallocene polyethylene (A1) with a relative density of between 0.865 and 0.915 and of 20 to 80 parts of a non-metallocene LLDPE polyethylene (A2), the blend of (A1) and (A2) being grafted by an unsaturated carboxylic acid or derivatives such as maleic anhydride; and 95 to 65 parts of (B) selected from the group consisting of at least one of ethylene homopolymer, ethylene copolymer such as LLDPE and metallocene polyethylene, and a hydrocarbon elastomeric copolymer such as ethylene propylene rubbers like EPDM or styrene elastomers like as SBRs, SBS block copolymers, SEBS, SIS; wherein the content of grafted unsaturated carboxylic acid or derivative is between 30 and 100,000 ppm with respect to the blend; and wherein the MFI is between 0.1 and 10 g/10 min. Robert et al further teach that the coextrusion tie composition may be utilized as a tie layer in a structure comprising a polyolefin layer (F), a layer of the tie composition, and either a layer (E) of a nitrogen-containing or oxygen containing polar resin layer such as polyamides, aliphatic polyketones, saponified copolymers of ethylene and vinyl acetate, polyesters, or a metal layer. Robert et al do not teach or render obvious that component B of the composition comprises both SBS and PE in amounts that would result in the instantly claimed 40-60wt% and 20-35wt%, respectively; and that if SBS was included, the styrene content would be 50-90 mol% as instantly claimed, particularly considering Robert et al do not teach or clearly suggest that polystyrene is one of the layers to be laminated with the composition. Hence it would not have been obvious to one skilled in the art to adjust the amount of SBS and styrene in the composition as instantly claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R. Jackson whose telephone number is 571-272-1508. The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Monique R. Jackson  
Primary Examiner  
Technology Center 1700  
March 1, 2006

**MONIQUE R. JACKSON**  
**PRIMARY EXAMINER**